

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Anthony Gibson, )  
                    )  
Plaintiff,       )  
                    )  
vs.               )  
                    )  
Town of Eastover, Chezdent Thompson,   )  
Timothy Ford, Joan Simmons and       )  
Odell Weston,     )  
                    )  
Defendants.       )  
                    )  
\_\_\_\_\_  
)

**REPORT AND RECOMMENDATION**

This matter is before the court on a “motion”<sup>1</sup> filed by the plaintiff, Anthony Gibson (“Gibson”), requesting that judgment be rendered in his favor. (Docket Entry 35.) The motion appears to be based upon a discovery dispute with defense counsel, specifically regarding the scheduling of the plaintiff’s deposition. This dispute has apparently since been resolved, as the court held a telephone conference call with the parties on September 30, 2009 regarding questioning during Gibson’s deposition, and no further discovery issues have been brought to the court’s attention.

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<sup>1</sup> The court observes that Gibson’s filing is directed to the United States Department of Justice rather than the court. Because it was filed with the court and seeks entry of judgment, however, it is being treated as a motion for summary judgment.

The ground stated in Gibson's motion does not establish that he is entitled to a judgment as matter of law. Accordingly, the court recommends that Gibson's motion be denied.



Paige J. Gossett  
UNITED STATES MAGISTRATE JUDGE

April 19, 2010  
Columbia, South Carolina

*The parties' attention is directed to the important notice on the next page.*

### **Notice of Right to File Objections to Report and Recommendation**

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); see Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk  
United States District Court  
901 Richland Street  
Columbia, South Carolina 29201

**Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation.** 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984).